

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>May 31, 2022</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2021-88-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2022-402</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

Order Regarding Lost Votes on Partial Petition of South Carolina Coastal Conservation League and Southern Alliance for Clean Energy for Reconsideration and/or Rehearing

SUBJECT:

DOCKET NO. 2021-88-E - Dominion Energy South Carolina, Incorporated's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A) - Staff Presents for Commission Consideration South Carolina Coastal Conservation League and Southern Alliance for Clean Energy's Petition for Partial Reconsideration of Commission Order No. 2022-329.

COMMISSION ACTION:

First Motion : Caston

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On May 31, 2022, Item No. 2 on the Agenda of the Commission's Special Business Meeting is the Joint Partial Petition of South Carolina Coastal Conservation League and Southern Alliance for Clean Energy for Reconsideration and/or Rehearing of Commission Order No. 2022-329 filed on May 12, 2022 (Petition).

Commissioner Caston made the following motion:

"I move that the Commission deny the Partial Petition of South Carolina Coastal Conservation League and Southern Alliance for Clean Energy for Reconsideration and/or Rehearing of Commission Order No. 2022-329."

Commissioner J. Williams, Chair, stated that he was ineligible to vote on all matters related to Docket No. 2021-88-E as he was on leave during the hearing and as a result was absent from the hearing for fifteen consecutive minutes or longer per S.C. Code Section 58-3-225(A).

Following discussion by the Commission, Chairman Williams called for the vote on Commissioner Caston's Motion.

Commissioners Caston, Powers and Thomas voted "Aye" to deny the pending Joint Partial Petition for Reconsideration and/or Rehearing by the South Carolina Coastal Conservation League (SCCCL) and the Southern Alliance for Clean Energy (SACE). Vice Chair Belser and Commissioners Ervin and C. Williams voted "Nay." The resulting vote to deny the petition was a tie, with 3 Ayes, 3 Nays, and 1 Commissioner not voting, and the motion to deny or refuse the Petition is lost.

PRESIDING:
J. Williams

SESSION: Special

TIME: 3:00 p.m.

	MOTION	YES	NO	OTHER
BELSER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Present in Hearing Room
CASTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
ERVIN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Voting via WebEx
POWERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Present in Hearing Room
THOMAS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Voting via audioconference
C. WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Voting via WebEx
J. WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Recused</u> Absent Day of Hearing

RECORDED BY: J. Schmieding



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COMMISSION ACTION:

2nd Motion: Vice Chair Belser:

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Vice Chair Belser then was recognized by Chairman Williams to make another motion in Docket No. 2021-88-E. Vice Chair Belser made the following motion to grant or approve the pending Petition to be decided by the Commission:

"I move that the Commission approve the Partial Petition for Reconsideration and/or Rehearing filed by South Carolina Coastal Conservation League and Southern Alliance for Clean Energy."

There being no discussion by the Commissioners on Vice Chair Belser's Motion, Chairman Williams called for the vote.

Vice Chair Belser and Commissioners Ervin and C. Williams Commissioners voted "Aye" to grant or approve the Partial Petition for Reconsideration and/or Rehearing. Commissioners Caston, Powers and Thomas voted "Nay." The resulting vote to grant or approve the Petition was also a tie, with 3 Ayes, 3 Nays, and 1 Commissioner not voting, and the motion to grant or approve the Petition is lost.

All motions on this Petition in Docket No. 2021-88-E are lost. Section 58-27-2150 of the South Carolina Code of Laws states:

". . . . The Commission shall either grant or refuse an application for rehearing within twenty days, and a failure by the Commission to act upon such application within that period shall be deemed a refusal thereof. If the application be granted the Commission's order shall be deemed vacated, and the Commission shall enter a new order after the rehearing has been concluded."

S. C. Code Ann. § 58-27-2150 (2015) (emphasis added). The twentieth day from May 12, 2022, is June 1, 2022. Without a prevailing Commission vote on the motion made by Commissioner Caston or the motion made by Vice Chair Belser, the Commission failed to act on the Petition and the failure is deemed a refusal of the Petition pursuant to S.C. Code Ann. § 58-27-2150.

PRESIDING:
J. Williams

SESSION: Special

TIME: 3:00 p.m.

	MOTION	YES	NO	OTHER	
BELSER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Present in Hearing Room
CASTON	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Present in Hearing Room
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via WebEx
POWERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Present in Hearing Room
THOMAS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		voting via audioconference
C. WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Voting via WebEx
J. WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Recused</u>	Absent Day of Hearing

RECORDED BY: J. Schmieding

